DECLARATION OF EMERGENCY

Department of Environmental Quality
Office of Environmental Assessment
Environmental Planning Division

Unauthorized Emissions Reporting Procedures
(LAC 33:I.3931) (OS052E)

In accordance with the emergency provisions of La. R.S. 49:953(B) of the Administrative Procedure Act, which allows the Department of Environmental Quality ("Department") to use emergency procedures to establish rules, and La. R.S. 30:2011, the secretary of the Department hereby finds that imminent peril to the public welfare exists and accordingly adopts the following emergency rule, which shall be effective seven days after the date of adoption for 120 days, or until promulgation of the final rule, whichever occurs first.

In the last two years, the Baton Rouge Nonattainment Area (the parishes of Ascension, East Baton Rouge, Iberville, Livingston, and West Baton Rouge) has experienced exceedances of the one-hour National Ambient Air Quality Standard (NAAQS) promulgated by the United States Environmental Protection Agency (US EPA). These exceedances did not occur during circumstances that typically result in excessive ozone formation and led to ozone readings the Baton Rouge area has not experienced in a decade. The ozone readings for two separate episodes in September 2002 and July 2003 were 164 parts per billion (ppb) and 174 ppb respectively, over 30 percent above the standard. Monitoring results from these exceedances indicate a high rate and efficiency of ozone production, which was limited spatially to the immediate Baton Rouge area. These ozone episodes correspond very well to the kind of episodes that have occurred in the Houston/Galveston areas. The Texas Air Quality Study, conducted in the Houston/Galveston areas, concluded that the reactivity of the hydrocarbons was most often dominated by low molecular weight alkenes and aromatics resulting in explosive ozone formation. Air quality sampling in the Baton Rouge area also showed substantial quantities of the mentioned ozone precursors. The ozone formation experienced in the Baton Rouge area may similarly be the result of the emissions of "highly reactive" ozone precursors.

The Department needs additional information regarding the emissions of these highly reactive ozone precursors to understand, predict, and prevent further exceedances of the ozone standard. Results from computer simulations based on Houston's industrial regions suggest emissions of as little as 100 pounds of light alkenes and aromatics can lead to 50 ppb or greater enhancements of ozone concentrations. Baton Rouge's type of industry (petrochemical plants and refineries) and meteorological conditions are similar enough to Houston to warrant further investigation. This information is needed immediately to monitor the remainder of the 2003 ozone season in the hopes of achieving attainment of the standard. Facilities are to continue to follow the LAC 33:I.Chapter 39 reporting protocols and, whenever possible, to utilize the new notification procedures found at http://www.deq.state.la.us/surveillance/irf/forms and http://www.deq.state.la.us/surveillance.

This Emergency Rule is effective on August 12, 2003, and shall remain in effect for a maximum of 120 days or until a final rule is promulgated, whichever occurs first. For more

information concerning OS052E, you may contact the Regulation Development Section at (225) 219-3550.

Adopted this 5th day August, 2003.

L. Hall Bohlinger,
Secretary

Title 33
ENVIRONMENTAL QUALITY
Part I. Office of Secretary
Subpart 2. Notification

Chapter 39. Notification Regulations and Procedures for Unauthorized Discharges
Subchapter E. Reportable Quantities for Notification of Unauthorized Discharges
§3931. Reportable Quantity List for Pollutants

A. – A.2. …

B. Modifications or Additions. The following table contains modifications to the federal reportable quantity lists incorporated by reference in Subsection A of this Section, as well as reportable quantities for additional pollutants.

Pollutant	CAS No.[1]	RCRA[2] Waste Number	Pounds
Acetaldehyde	75070	U001	100 †
* * *			
2-Butanone	78933	U159	5000/1000 @
Butenes (all isomers except 1,3 butadiene)	25167673		100 †
* * *			
Ethylene	74851		5000/(100) †
* * *			
Propionaldehyde	123386		1000/100 @
Propylene	115071		100 †
* * *			
Thiomethanol	74931	U153	100/25 @
Toluene	108883	U220	100 †
* * *			
Volatile Organic Compounds not otherwise listed [4]			5000

Pollutant	CAS No.[1]	RCRA[2] Waste Number	Pounds
Highly reactive volatile organic compounds listed below: acetaldehyde; butenes (all isomers); ethylene; propylene toluene; xylene (all isomers); and/or isoprene [5]			100

Note * - Note [4] …

[5] The combined emission of these highly reactive VOC shall be totaled to determine if a RQ has been exceeded.

Note [@] …

[†] For facilities in the following parishes: Ascension, East Baton Rouge, Iberville, Livingston, West Baton Rouge, St. Charles, St. James, St. John the Baptist, Pointe Coupee, and West Feliciana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2025(J), 2060(H), 2076(D), 2183(I), 2194(C), 2204(A), and 2373(B).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 11:770 (August 1985), amended LR 19:1022 (August 1993), LR 20:183 (February 1994), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:944 (September 1995), LR 22:341 (May 1996), amended by the Office of the Secretary, LR 24:1288 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:2229 (December 2001), LR 28:994 (May 2002), LR 29:698 (May 2003), LR 29: